IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2. Specifically, item 242 of Fig. 2 was amended to address an objection raised by the Examiner.

Attachment: **Replacement Sheet**

                              Annotated Sheet Showing Changes

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REMARKS

This is intended as a full and complete response to the Office Action dated September 18, 2006, having a shortened statutory period for response set to expire on December 18, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 18-25 and 39-54 are pending in the application and remain pending following entry of this response. Claims 18, 39 and 47 have been amended. Applicants submit that the amendments do not introduce new matter. Rather, the amendments merely make the relationship between two claim elements more explicit. Specifically, the claim amendment reinforces that the each of the "appropriate grid resource[s]" to which the requests are submitted, correspond to those identified in the previous step. This was already at least implicit since the original claims recited that the requests where submitted to appropriate grid resources "according to the respective different resource specific criterions". Accordingly, the amendment neither narrows the claim nor introduces new matter; and, as result, Applicants are entitled to a full range of equivalents.

Drawing Objections

Applicants submit a corrected drawing sheet as required in compliance with 37 CFR 1.12 (d). The attached sheet of drawings includes changes to Fig. 2. Specifically, item 242 of Fig. 2 was amended to address an objection raised by the Examiner.

Claim Rejections - 35 U.S.C. § 102

Claims 18-23, 39-44 and 47-52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Solomon* (USPG-PUB US 20040162638 A1).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

As an initial matter, Applicants note that the Examiner's rejection relies on disparate portions of *Solomon* having no apparent/explicit relationship. If, after review of the present submission, the Examiner disagrees, Applicants kindly request that the Examiner elaborate on the relationship between these disparate portions in order to move prosecution forward.

In this case, *Solomon* does not disclose "each and every element as set forth in the claim". For example, regarding claim 18, *Solomon* does not disclose "receiving, from a requesting entity, a plurality of requests related to a benchmarking operation". The Examiner argues that *Solomon* discloses this element at paragraph [0068]. However, the cited passage is in fact directed to how a swarm (e.g., of ants) forms. No reference to a benchmarking operation, or anything capable of being construed as a benchmarking operation, is disclosed in this portion of *Solomon*. Further, no computer implemented method comprising a step of receiving a plurality of requests related to a benchmarking operation is disclosed. Accordingly, the rejection is believed to be defective and Applicants respectfully request that the rejection be withdrawn.

Claim 18 further recites that at least one of the requests relating to the benchmarking operation is a defined function to be performed and that the remaining requests of the benchmarking operation each include different resource specific criterions identifying a different specific resource to perform the desired function. Thus, claim 18 recites a plurality of requests relating to a given benchmarking operation, where the requests specify a function to be performed and the different specific resources to perform the function. The relationship, then, between the given benchmarking operation and the plurality of requests is one to many: a given benchmarking operation (the one) → a plurality of requests (the many), where the requests collectively define the function to be performed and the resources required to perform the function. Regarding the recitation of the plurality of requests related to the

benchmarking operation the Examiner relies on paragraph [0068], as noted above. Regarding the recitation of one of the requests specifying a function to be performed for the benchmarking operation, the Examiner relies on paragraph [0069]. However, paragraph [0069] is directed to insect and animal social behaviors and emulating biological systems form intelligence for the development of artificial systems of robots. At a minimum, since paragraph [0068] does not disclose receiving a plurality of requests related to a benchmarking operation, it follows that paragraph [0069] does not disclose one of the requests specifying a defined function to be performed (since the requests and the defined function are related to the benchmarking operation, per the explicit claim language). Further, emulating biological systems swarm intelligence does not necessarily disclose receiving a request comprising a defined function to be performed. Regarding the recitation of a remaining portion of the requests including different resource specific criterions each identifying a different specific resource to perform the defined function, the Examiner refers to paragraph [0341]. However, paragraph [0341] is directed to genetic programming used to calculate "initial connection weights". The only reference to a "criteria" in paragraph [0341] refers to "the criteria to satisfy the problem of identifying the initial weight of the connection". Thus, on its face, the criteria referred to by *Solomon* at paragraph [0341] is not a resource specific criterion identifying a specific resource to perform a desired function relating to a benchmarking operation.

Further, paragraph [0341] has no explicit relationship to the other paragraphs cited by the Examiner for teaching the other related limitations of the first element of claim 18. As set forth above, the first element of claim 18 recites an integrated element having limitations directed to a plurality of requests related to a benchmarking operation. The Examiner's rejection on the other hand refers to disparate portions of *Solomon*, i.e., paragraphs [0068-0069] and paragraph [0341] having no explicit relationship to one another, and certainly no relationship in the context of a plurality of requests relating to a benchmarking operation. Accordingly, the rejection is believed to be defective and Applicants respectfully request that the rejection be withdrawn.

Claim 18 further recites "based on each resource specific criterion, identifying a grid computing resource as the specific resource to perform the defined function, wherein a different grid computing resource is identified for each different resource specific criterion". The Examiner suggests that this element is taught by *Solomon* at paragraph [0365]. Respectfully, Applicants submit that paragraph [0365] is yet another disparate teaching of *Solomon* not explicitly related to [0068-0069] and paragraph [0341]. More specifically, even assuming that the references in paragraph [0365] to requesting "computational resources at a specified location" and identifying "available AI computational resources" teaches identifying a grid computing resource, there is no teaching of identifying such a computing resource "based on each resource specific criterion", where the resource specific criterions each identify a different specific resource to perform a desired function, and where each resource specific criterion was included with requests received as a plurality of requests related to a benchmarking operation. Accordingly, the rejection is believed to be defective and Applicants respectfully request that the rejection be withdrawn.

Finally, the Examiner relies on paragraph [0315] for teaching "submitting each request to perform the defined function to an appropriate great resource according to the respective different resource specific criterions". However, paragraph [0315] and the preceding paragraphs [0313-0314] describe the concept of temporal objects and how such temporal objects are used in a database management system in order to prioritize data. Thus, this portion of Solomon is not directed to submitting requests to appropriate grid resources, and more particularly not directed to submitting such requests to perform a desired function where the requests are received as a plurality of requests relating to a benchmarking operation and include at least one request specifying the defined function and a remaining portion of requests comprising a different resource specific criterions identifying a different specific resource to perform the defined function. Accordingly, the rejection is believed to be defective and Applicants respectfully request that the rejection be withdrawn.

The other independent claims are rejected for the same reasons as those applied to claim 18. Accordingly, Applicants analysis of claim 18 provided above is applicable to the rejections of the other independent claims. Since each of the independent claims is believed to be allowable, the dependent claims are also believed to allowable.

Therefore, claims 18-23, 39-44 and 47-52 are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 24-25, 45-46 and 53-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Solomon* in view of *Wu* (PG-PUB 20050038708). Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

With respect to the third criteria, Applicants referred to the analysis above in which it was demonstrated that *Solomon* fails to teach a plurality of the recited in claim elements. Accordingly, on this basis alone, Applicants respectfully submit that the rejection is defective and request that the rejection be withdrawn and that the claims be allowed.

Regarding the first criteria, the Examiner states that the motivation to combine the teachings of *Solomon* with *Wu* is that "businesses need to charge money for their services and products in order to stay in business". Applicants respectfully submit that such generalizations regarding motivation effectively obviate the motivation analysis altogether - since under such broad parameters motivation for anything exists. The

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Examiner's statement of motivation amounts no more than saying that the claimed invention is within the capabilities of one of ordinary skill in the art, which is not sufficient by itself establish a prima facie case of obviousness. MPEP §2143.01. Accordingly, applicants submit that the rejection is defective and respectfully request that the rejection be withdrawn and that the claims be allowed.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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